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BEFORE THE ARIZONA CORPORATION C

Arizona Corporation Commission

COMMISSIONERS

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AZ CORP COMMISS
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MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
WILHOIT WATER COMPANY FOR APPROVAL
OF THE TRANSFER OF A PORTION OF ITS
ASSETS AND CANCELLATION OF A PORTION
OF ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-02065A-03-0490

PROCEDURAL ORDER

BY THE COMMISSION:

On July 16, 2003, Wilhoit Water Company ("Applicant" or "Wilhoit") submitted to the Arizona Corporation Commission ("Commission") an application for approval of the transfer of a portion of its assets and the cancellation of that portion of its Certificate of Convenience and Necessity ("Certificate") devoted to serve the Glenarm Farms subdivision ("Application").

By Procedural Order issued August 25, 2003, this matter was scheduled for hearing on October 22, 2003.

The hearing convened on October 22, 2003 with appearances made by counsel for Commission Staff, Wilhoit, and the City of Avondale. Absent from the hearing, however, was a company representative for Wilhoit capable of testifying to the underlying facts at issue in this matter.

Based upon the inability to obtain testimony from a representative of Wilhoit, this matter is continued, and the hearing date in this matter will be rescheduled for December 1, 2003, at 1:30 p.m.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall be rescheduled to commence on December 1, 2003, at 1:30 p.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Wilhoit shall produce a company representative at this hearing capable of testifying to the underlying issues related to its Application, including but not limited to, the nature of the taxes which comprise the outstanding property tax at issue (i.e. to whom

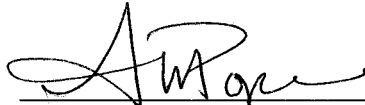
1 the delinquent tax is owed and in what amount), the applicability of the outstanding property tax
2 amount to any of Wilhoit's other water systems¹, the extent to which Wilhoit is responsible for
3 satisfying the Certificate(s) of Purchase evidencing the outstanding property tax, and Wilhoit's past,
4 current, and ongoing payment of and liability for applicable taxes for all of its systems.

5 IT IS FURTHER ORDERED that in addition to any testimony related to the above referenced
6 issues, Wilhoit shall produce a schedule prior to or at the hearing evidencing the manner in which the
7 \$249,527.46 in delinquent property taxes applies by property triggering the tax (i.e. to which of the
8 water systems the tax relates) and entity to whom the tax is owed (i.e. county, city, town, etc.).

9 IT IS FURTHER ORDERED that the time clock for processing Wilhoit's application shall be
10 suspended during the pendency of this continuance from October 22, 2003 until December 1, 2003.

11 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
12 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

13 DATED this 23rd day of October, 2003.

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16 AMANDA POPE
ADMINISTRATIVE LAW JUDGE

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18 Copies of the foregoing mailed/delivered
this 23rd day of October, 2003 to:

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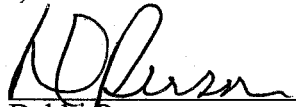
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28 ¹ In addition to Glenarm Farms, Wilhoit Water Company operates water systems for Yavapai Estates, Blue Hills, and Thunderbird Meadows.

1 Christopher Kempley, Chief Counsel
2 David Ronald, Staff Counsel
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15 By:



16 Debbi Person
17 Secretary to Amanda Pope
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